

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# HOUSE BILL 2088

AN ACT

AMENDING SECTION 15-101, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-117; AMENDING SECTIONS 15-249 AND 15-741, ARIZONA REVISED STATUTES; RELATING TO PUPIL INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-101, Arizona Revised Statutes, is amended to  
3 read:

4 15-101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Accommodation school" means either:

7 (a) A school that is operated through the county board of supervisors  
8 and the county school superintendent and that the county school  
9 superintendent administers to serve a military reservation or territory that  
10 is not included within the boundaries of a school district.

11 (b) A school that provides educational services to homeless children  
12 or alternative education programs as provided in section 15-308,  
13 subsection B.

14 (c) A school that is established to serve a military reservation, the  
15 boundaries of which are coterminous with the boundaries of the military  
16 reservation on which the school is located.

17 2. "Assessed valuation" means the valuation derived by applying the  
18 applicable percentage as provided in title 42, chapter 15, article 1 to the  
19 full cash value or limited property value, whichever is applicable, of the  
20 property.

21 3. "Charter holder" means a person that enters into a charter with the  
22 state board for charter schools. For the purposes of this paragraph,  
23 "person" means an individual, partnership, corporation, association or public  
24 or private organization of any kind.

25 4. "Charter school" means a public school established by contract with  
26 a district governing board, the state board of education, the state board for  
27 charter schools, a university under the jurisdiction of the Arizona board of  
28 regents, a community college district with enrollment of more than fifteen  
29 thousand full-time equivalent students or a group of community college  
30 districts with a combined enrollment of more than fifteen thousand full-time  
31 equivalent students pursuant to article 8 of this chapter to provide learning  
32 that will improve pupil achievement.

33 5. "Child with a disability" means a child with a disability as  
34 defined in section 15-761.

35 6. "Class A bonds" means general obligation bonds approved by a vote  
36 of the qualified electors of a school district at an election held on or  
37 before December 31, 1998.

38 7. "Class B bonds" means general obligation bonds approved by a vote  
39 of the qualified electors of a school district at an election held from and  
40 after December 31, 1998.

41 8. "Competency" means a demonstrated ability in a skill at a specified  
42 performance level.

43 9. "Course" means organized subject matter in which instruction is  
44 offered within a given period of time and for which credit toward promotion,

1 graduation or certification is usually given. A course consists of knowledge  
2 selected from a subject for instructional purposes in the schools.

3 10. "Course of study" means a list of required and optional subjects  
4 to be taught in the schools.

5 11. "Dual enrollment course" means a ~~college-level~~ COLLEGE-LEVEL  
6 course that is conducted on the campus of a high school or on the campus of a  
7 joint technical education district, that is applicable to an established  
8 community college academic degree or certificate program and that is  
9 transferable to a university under the jurisdiction of the Arizona board of  
10 regents. A dual enrollment course that is applicable to a community college  
11 occupational degree or certificate program may be transferable to a  
12 university under the jurisdiction of the Arizona board of regents.

13 12. "Elementary grades" means kindergarten programs and grades one  
14 through eight.

15 13. "Fiscal year" means the year beginning July 1 and ending June 30.

16 14. "Governing board" means a body organized for the government and  
17 management of the schools within a school district or a county school  
18 superintendent in the conduct of an accommodation school.

19 15. "Lease" means an agreement for conveyance and possession of real  
20 or personal property.

21 16. "Limited property value" means the value determined pursuant to  
22 title 42, chapter 13, article 7. Limited property value shall be used as the  
23 basis for assessing, fixing, determining and levying primary property taxes.

24 17. "NONTTEST" MEANS NOT RELATING TO KNOWLEDGE OR SKILLS IN READING,  
25 WRITING, MATHEMATICS, SOCIAL STUDIES, SCIENCE OR ANY OTHER COURSE.

26 ~~17-~~ 18. "Parent" means the natural or adoptive parent of a child or a  
27 person who has custody of a child.

28 ~~18-~~ 19. "Person who has custody" means a parent or legal guardian of  
29 a child, a person to whom custody of the child has been given by order of a  
30 court or a person who stands in loco parentis to the child.

31 ~~19-~~ 20. "Primary property taxes" means all ad valorem taxes except  
32 for secondary property taxes.

33 ~~20-~~ 21. "Private school" means a nonpublic institution where  
34 instruction is imparted.

35 ~~21-~~ 22. "School" or "public school" means any public institution  
36 established for the purposes of offering instruction to pupils in programs  
37 for preschool children with disabilities, kindergarten programs or any  
38 combination of elementary grades or secondary grades one through twelve.

39 ~~22-~~ 23. "School district" means a political subdivision of this state  
40 with geographic boundaries organized for the purpose of the administration,  
41 support and maintenance of the public schools or an accommodation school.

42 ~~23-~~ 24. "Secondary grades" means grades nine through twelve.

43 ~~24-~~ 25. "Secondary property taxes" means ad valorem taxes used to pay  
44 the principal of and the interest and redemption charges on any bonded  
45 indebtedness or other lawful long-term obligation issued or incurred for a

1 specific purpose by a school district or a community college district and  
2 amounts levied pursuant to an election to exceed a budget, expenditure or tax  
3 limitation.

4 ~~25.~~ 26. "Subject" means a division or field of organized knowledge,  
5 such as English or mathematics, or a selection from an organized body of  
6 knowledge for a course or teaching unit, such as the English novel or  
7 elementary algebra.

8 Sec. 2. Title 15, chapter 1, article 1, Arizona Revised Statutes, is  
9 amended by adding section 15-117, to read:

10 15-117. Surveys: pupil information; parental permission and  
11 informed consent; exceptions; penalties; definitions

12 A. NOTWITHSTANDING ANY OTHER LAW, EACH SCHOOL DISTRICT AND CHARTER  
13 SCHOOL SHALL OBTAIN WRITTEN INFORMED CONSENT FROM THE PARENT OF A PUPIL  
14 BEFORE ADMINISTERING ANY SURVEY THAT IS RETAINED BY A SCHOOL DISTRICT, A  
15 CHARTER SCHOOL OR THE DEPARTMENT OF EDUCATION FOR LONGER THAN ONE YEAR AND  
16 THAT SOLICITS PERSONAL INFORMATION ABOUT THE PUPIL REGARDING ANY OF THE  
17 FOLLOWING:

- 18 1. CRITICAL APPRAISALS OF ANOTHER PERSON WITH WHOM A PUPIL HAS A CLOSE  
19 RELATIONSHIP.
- 20 2. GUN OR AMMUNITION OWNERSHIP.
- 21 3. ILLEGAL, ANTISOCIAL OR SELF-INCRIMINATING BEHAVIOR.
- 22 4. INCOME OR OTHER FINANCIAL INFORMATION.
- 23 5. LEGALLY RECOGNIZED PRIVILEGED OR ANALOGOUS RELATIONSHIPS, SUCH AS  
24 RELATIONSHIPS WITH A LAWYER, PHYSICIAN OR MEMBER OF THE CLERGY.
- 25 6. MEDICAL HISTORY OR MEDICAL INFORMATION.
- 26 7. MENTAL HEALTH HISTORY OR MENTAL HEALTH INFORMATION.
- 27 8. POLITICAL AFFILIATIONS, OPINIONS OR BELIEFS.
- 28 9. PUPIL BIOMETRIC INFORMATION.
- 29 10. THE QUALITY OF HOME INTERPERSONAL RELATIONSHIPS.
- 30 11. RELIGIOUS PRACTICES, AFFILIATIONS OR BELIEFS.
- 31 12. SELF-SUFFICIENCY AS IT PERTAINS TO EMERGENCY, DISASTER AND  
32 ESSENTIAL SERVICES INTERRUPTION PLANNING.
- 33 13. SEXUAL BEHAVIOR OR ATTITUDES.
- 34 14. VOTING HISTORY.

35 B. AT THE BEGINNING OF EVERY SCHOOL YEAR, EVERY SCHOOL DISTRICT AND  
36 CHARTER SCHOOL SHALL OBTAIN WRITTEN INFORMED CONSENT FROM THE PARENT OF A  
37 PUPIL TO PARTICIPATE IN ANY SURVEY PURSUANT TO SUBSECTION A OF THIS SECTION  
38 FOR THE ENTIRE YEAR. A PARENT OF A PUPIL MAY AT ANY TIME REVOKE CONSENT FOR  
39 THE PUPIL TO PARTICIPATE IN ANY SURVEY PURSUANT TO SUBSECTION A OF THIS  
40 SECTION. FOR ANY PUPIL WHO IS AT LEAST EIGHTEEN YEARS OF AGE, THE PERMISSION  
41 OR CONSENT THAT WOULD OTHERWISE BE REQUIRED FROM THE PUPIL'S PARENT PURSUANT  
42 TO THIS SECTION IS REQUIRED ONLY FROM THE PUPIL. ALL SURVEYS CONDUCTED  
43 PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE APPROVED AND AUTHORIZED BY  
44 THE SCHOOL DISTRICT OR CHARTER SCHOOL. THE SCHOOL DISTRICT OR CHARTER SCHOOL  
45 IS SUBJECT TO THE PENALTIES PRESCRIBED IN SUBSECTION L OF THIS SECTION. A

1 TEACHER OR OTHER SCHOOL EMPLOYEE MAY NOT ADMINISTER ANY SURVEY PURSUANT TO  
2 SUBSECTION A OF THIS SECTION WITHOUT WRITTEN AUTHORIZATION FROM THE SCHOOL  
3 DISTRICT OR CHARTER SCHOOL.

4 C. THIS SECTION APPLIES TO ALL SURVEYS CONDUCTED PURSUANT TO  
5 SUBSECTION A OF THIS SECTION:

- 6 1. REGARDLESS OF THE STATED PURPOSE OF THE SURVEY.
- 7 2. REGARDLESS OF THE QUANTITY OR PERCENTAGE OF QUESTIONS THAT SOLICIT  
8 DATA PURSUANT TO SUBSECTION A OF THIS SECTION.
- 9 3. INCLUDING WRITTEN OR DIGITAL SURVEYS.

10 D. THIS SECTION DOES NOT APPLY TO:

- 11 1. MENTAL HEALTH SCREENING PURSUANT TO SECTION 15-104 OR THE  
12 IDENTIFICATION OF OR PROGRAMMING FOR CHILDREN WITH DISABILITIES OR GIFTED  
13 PUPILS PURSUANT TO CHAPTER 7, ARTICLES 4 AND 4.1 OF THIS TITLE.
- 14 2. CLASS INSTRUCTION, DISCUSSION OR ASSIGNMENTS ON SUBJECTS WITHIN THE  
15 PURVIEW OF THE COURSE.
- 16 3. PRIVATE SCHOOLS.
- 17 4. ANY NATIONALLY RECOGNIZED COLLEGE ENTRANCE EXAM THAT A STUDENT  
18 CHOOSES TO TAKE REGARDLESS IF THE ADMINISTRATION OF THE EXAM TAKES PLACE ON  
19 PUBLIC SCHOOL PROPERTY.
- 20 5. ANY SURVEY CONDUCTED THAT CONTAINS QUESTIONS SOLICITING INFORMATION  
21 PURSUANT TO SUBSECTION A OF THIS SECTION IF THE SURVEY DOES NOT REQUIRE A  
22 STUDENT'S NAME OR ANY OTHER PERSONALLY IDENTIFIABLE INFORMATION.
- 23 6. ANY SURVEY CONDUCTED OR IMPLEMENTED BY THE ARIZONA CRIMINAL JUSTICE  
24 COMMISSION.
- 25 7. ANY METHOD OF SURVEYING A STUDENT THAT IS CONDUCTED BECAUSE A  
26 PERSON HAS A REASONABLE BELIEF THAT A MINOR IS OR HAS BEEN A VICTIM OF ABUSE  
27 PURSUANT TO SECTION 13-3620.

28 E. A PENALTY MAY NOT BE IMPOSED ON A PUPIL OR THE PARENT OF A PUPIL  
29 WHO DOES NOT PARTICIPATE IN ANY SURVEY CONDUCTED PURSUANT TO SUBSECTION A OF  
30 THIS SECTION. PARTICIPATION IN ANY SURVEY PURSUANT TO SUBSECTION A OF THIS  
31 SECTION IS NOT REQUIRED:

- 32 1. TO DEMONSTRATE THAT A PUPIL HAS MET COMPETENCY REQUIREMENTS FOR ANY  
33 GRADE LEVEL, COURSE OR SUBJECT.
- 34 2. FOR A PUPIL TO QUALIFY FOR PLACEMENT INTO ANY GRADE LEVEL, COURSE  
35 OR SUBJECT.
- 36 3. FOR A PUPIL TO BE PROMOTED TO THE NEXT GRADE.
- 37 4. FOR A PUPIL TO RECEIVE CREDIT FOR ANY COURSE OR AS PART OF A LETTER  
38 GRADE FOR ANY COURSE.
- 39 5. FOR A PUPIL TO GRADUATE FROM HIGH SCHOOL.
- 40 6. FOR A PUPIL TO OBTAIN A HIGH SCHOOL EQUIVALENCY DIPLOMA.

41 F. A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL PROVIDE AN ALTERNATIVE  
42 EDUCATIONAL ACTIVITY FOR ANY PUPIL WHOSE PARENT DOES NOT CONSENT FOR THAT  
43 PUPIL TO PARTICIPATE IN A SURVEY CONDUCTED PURSUANT TO SUBSECTION A OF THIS  
44 SECTION.

1           G. ANY PUPIL WHOSE PARENT DOES NOT GIVE WRITTEN INFORMED CONSENT FOR  
2 THAT PUPIL TO PARTICIPATE IN ANY SURVEY PURSUANT TO SUBSECTION A OF THIS  
3 SECTION AND WHO ATTENDS THE ALTERNATIVE EDUCATIONAL ACTIVITY PURSUANT TO THIS  
4 SECTION SHALL BE COUNTED TOWARD DAILY ATTENDANCE AND AVERAGE DAILY MEMBERSHIP  
5 FOR THE SCHOOL PURSUANT TO SECTION 15-901 AND MAY NOT BE COUNTED ABSENT FROM  
6 SCHOOL.

7           H. RESPONSES TO ANY SURVEY PURSUANT TO SUBSECTION A OF THIS SECTION  
8 MAY NOT BE INCLUDED:

9           1. AS PART OF A SCHOOL ACADEMIC PERFORMANCE INDICATOR PURSUANT TO  
10 SECTION 15-241, OR AS PART OF ANY OTHER SIMILAR SCHOOL RATING SYSTEM.

11           2. IN THE EDUCATION LEARNING AND ACCOUNTABILITY SYSTEM PURSUANT TO  
12 SECTION 15-249, OR IN ANY OTHER SIMILAR SYSTEM.

13           3. IN THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM PURSUANT TO  
14 SECTION 15-756.10 OR 15-1041, OR IN ANY OTHER SIMILAR SYSTEM.

15           4. IN ANY SCHOOL, ADMINISTRATOR OR TEACHER RATING SYSTEM.

16           I. A PENALTY MAY NOT BE IMPOSED ON AND A REWARD MAY NOT BE GRANTED TO  
17 A TEACHER, ADMINISTRATOR, OTHER SCHOOL EMPLOYEE, SCHOOL DISTRICT, SCHOOL OR  
18 CHARTER SCHOOL BASED ON THE PUPIL PARTICIPATION RATE IN ANY SURVEY CONDUCTED  
19 PURSUANT TO SUBSECTION A OF THIS SECTION.

20           J. ON REQUEST, A CHARTER SCHOOL OR SCHOOL DISTRICT SHALL PROVIDE ANY  
21 AVAILABLE INFORMATION IN A TIMELY MANNER TO THE PARENT OF A PUPIL REGARDING A  
22 SURVEY ADMINISTERED PURSUANT TO SUBSECTION A OF THIS SECTION INCLUDING:

23           1. THE NAME OF THE SURVEY.

24           2. THE DATE OR DATES ON WHICH THE SURVEY WILL BE ADMINISTERED.

25           3. THE METHOD OR METHODS OF ADMINISTERING THE SURVEY.

26           4. THE AMOUNT OF TIME REQUIRED TO ADMINISTER THE SURVEY.

27           5. THE TYPE OF INFORMATION COLLECTED BY THE SURVEY.

28           6. THE REASONS FOR ADMINISTERING THE SURVEY.

29           K. A PARENT OF A PUPIL THAT HAS A REASONABLE BELIEF THAT A SCHOOL  
30 DISTRICT OR CHARTER SCHOOL HAS VIOLATED THIS SECTION MAY FILE A COMPLAINT  
31 WITH THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN WHICH AN  
32 ALLEGED VIOLATION OF THIS SECTION OCCURRED. THE ATTORNEY GENERAL OR THE  
33 COUNTY ATTORNEY FOR THE COUNTY IN WHICH AN ALLEGED VIOLATION OF THIS SECTION  
34 OCCURRED MAY INITIATE A SUIT IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE  
35 SCHOOL DISTRICT OR CHARTER SCHOOL IS LOCATED FOR THE PURPOSE OF COMPLYING  
36 WITH THIS SECTION. AFTER RECEIVING WRITTEN NOTICE OF AN ALLEGED FAILURE TO  
37 COMPLY WITH THIS SECTION, A SCHOOL DISTRICT OR CHARTER SCHOOL THAT DETERMINES  
38 THAT A VIOLATION HAS OCCURRED IS NOT SUBJECT TO A PENALTY OR CAUSE OF ACTION  
39 UNDER THIS SECTION IF THE SCHOOL DISTRICT OR CHARTER SCHOOL CURES THE  
40 VIOLATION. FOR THE PURPOSES OF THIS SUBSECTION, "CURE" MEANS TO DESTROY ANY  
41 INFORMATION GATHERED IN VIOLATION OF THIS SECTION AND TO PROVIDE WRITTEN  
42 INSTRUCTION TO THE INDIVIDUAL CIRCULATING THE SURVEY, TO BE KEPT ON FILE FOR  
43 ONE YEAR AFTER RECEIPT OF THE WRITTEN NOTICE OF THE ALLEGED FAILURE TO  
44 COMPLY.

1 L. FOR EACH VIOLATION OF THIS SECTION, THE COURT MAY IMPOSE A CIVIL  
2 PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS. THE SCHOOL DISTRICT OR CHARTER  
3 SCHOOL DETERMINED TO BE OUT OF COMPLIANCE WITH THIS SECTION SHALL BE  
4 RESPONSIBLE FOR THE PAYMENT OF ALL PENALTIES.

5 M. AN ATTORNEY ACTING ON BEHALF OF A PUBLIC SCHOOL MAY REQUEST A LEGAL  
6 OPINION OF THE COUNTY ATTORNEY OR ATTORNEY GENERAL AS TO WHETHER THE PUBLIC  
7 SCHOOL WOULD VIOLATE THIS SECTION.

8 N. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT INITIATED IN  
9 SUPERIOR COURT BY THE ATTORNEY GENERAL SHALL BE PAID TO THE OFFICE OF THE  
10 ATTORNEY GENERAL FOR THE USE AND REIMBURSEMENT OF COSTS OF PROSECUTION  
11 PURSUANT TO THIS SECTION. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT  
12 INITIATED IN SUPERIOR COURT BY A COUNTY ATTORNEY SHALL BE PAID TO THE COUNTY  
13 TREASURER OF THE COUNTY IN WHICH THE COURT IS HELD FOR THE USE AND  
14 REIMBURSEMENT OF COSTS OF PROSECUTION PURSUANT TO THIS SECTION.

15 O. FOR THE PURPOSES OF THIS SECTION:

16 1. "PARENT" HAS THE SAME MEANING PRESCRIBED IN SECTION 15-101, EXCEPT  
17 THAT PARENT DOES NOT MEAN THIS STATE IF THE PUPIL IS A WARD OF THE STATE.

18 2. "SURVEY" MEANS:

19 (a) WHEN USED AS A NOUN, AN INSTRUMENT THAT INVESTIGATES THE  
20 ATTITUDES, BEHAVIORS, BELIEFS, EXPERIENCES, OPINIONS OR THOUGHTS OF A PUPIL  
21 OR GROUP OF PUPILS.

22 (b) WHEN USED AS A VERB, TO USE AN INSTRUMENT TO INVESTIGATE THE  
23 ATTITUDES, BEHAVIORS, BELIEFS, EXPERIENCES, OPINIONS OR THOUGHTS OF A PUPIL  
24 OR GROUP OF PUPILS.

25 Sec. 3. Section 15-249, Arizona Revised Statutes, is amended to read:

26 15-249. Department of education: education learning and  
27 accountability system: reports: reviews

28 A. Subject to ~~THE~~ appropriation of state monies, or ~~THE~~ receipt of  
29 federal monies, private donations or grants from any lawful public or private  
30 source for this purpose, the department of education, in coordination with  
31 the data governance commission established by section 15-249.01, shall  
32 develop and implement the education learning and accountability system to  
33 collect, compile, maintain and report student level data for students  
34 attending public educational institutions that provide instruction to pupils  
35 in preschool programs, kindergarten programs, grades one through twelve and  
36 postsecondary educational programs in this state.

37 B. The education learning and accountability system shall:

38 1. Maintain longitudinal, student level data, including student  
39 demographic, grade level, assessment, teacher assignment and other data  
40 required to meet state and federal reporting requirements.

41 2. Incorporate the student accountability information system  
42 prescribed in chapter 9, article 8 of this title.

43 3. Be accessible through commonly used internet web browsers to carry  
44 out the data collection, compilation and reporting duties prescribed in this  
45 title.

1 C. STUDENT LEVEL NONTEST DATA IS PROHIBITED FROM INCLUSION IN  
2 LONGITUDINAL, STUDENT LEVEL DATA UNLESS APPROVED IN A PUBLIC MEETING OF THE  
3 STATE BOARD OF EDUCATION AND LINKED ON THE STATE BOARD'S HOME PAGE PURSUANT  
4 TO SECTION 15-741, SUBSECTION A, PARAGRAPH 7.

5 ~~C.~~ D. The department of education may contract with a third party to  
6 carry out the purposes of this section.

7 ~~D.~~ E. The department of education, in coordination with the data  
8 governance commission, shall develop a detailed plan to develop and implement  
9 the education learning and accountability system.

10 ~~E.~~ F. The department of education shall present the plan developed  
11 pursuant to subsection ~~D.~~ E of this section to the state board of education  
12 for review and approval. The department of education shall continue to  
13 provide quarterly reports to the state board of education, or on request, for  
14 review and approval of the state board of education, on the development and  
15 implementation of the education learning and accountability system. All  
16 reports provided shall include progress and expenditures to date, timelines  
17 and cost estimates for completion.

18 ~~F.~~ G. Any contract awarded pursuant to subsection ~~C.~~ D of this  
19 section shall allow the superintendent of public instruction to renew the  
20 contracts for two subsequent periods of not more than three years each and  
21 shall prescribe the circumstances under which the superintendent of public  
22 instruction may terminate the contracts. The contracts shall allow this  
23 state to cancel any contract at any time after the first year of operation,  
24 without penalty to this state, on ninety days' written notice and shall  
25 require the contractor to be in compliance at all times with state and  
26 federal law.

27 ~~G.~~ H. Any contract awarded pursuant to subsection ~~C.~~ D of this  
28 section may provide for annual contract price or cost adjustments, except  
29 that any adjustments may be made only once each year effective on the  
30 anniversary of the contract's effective date. Any adjustment made pursuant  
31 to the terms of the contract must be applied to the total payments made to  
32 the contractor for the previous contract year and shall not exceed the  
33 percentage change in the average consumer price index as published by the  
34 United States department of labor, bureau of labor statistics between that  
35 figure for the latest calendar year and the next previous calendar year. Any  
36 price or cost adjustments that are different than those authorized in this  
37 subsection may be made only if the legislature specifically authorizes the  
38 adjustments and appropriates monies for that purpose, if required.

39 ~~H.~~ I. The superintendent of public instruction shall not award a  
40 contract pursuant to this section unless:

41 1. The superintendent of public instruction receives an acceptable  
42 proposal pursuant to any request for proposals. For the purposes of this  
43 paragraph, "acceptable proposal" means a proposal that substantially meets  
44 all of the requirements or conditions prescribed in this section and in the  
45 request for proposals.

1           2. The proposal offers a level and quality of services that equal or  
2 exceed the services that would be provided by this state.

3           3. The contractor provides audited financial statements for the  
4 previous five years, or for each year that the contractor has been in  
5 operation if fewer than five years, and provides other financial information  
6 as requested.

7           ~~I.~~ J. The sovereign immunity of this state does not apply to any  
8 contractor who is a party to any contract pursuant to this section. The  
9 contractor or any agent of the contractor may not plead the defense of  
10 sovereign immunity in any action arising out of the performance of the  
11 contract.

12           ~~J.~~ K. The terms of any contract pursuant to this section are subject  
13 to review by the joint legislative budget committee before placement of any  
14 advertisement that solicits a response to a request for proposals. Any  
15 proposed modification or amendment to the contract is subject to prior review  
16 by the joint legislative budget committee.

17           ~~K.~~ L. During the first year of operation under a contract executed  
18 pursuant to this section, the contracting entity shall submit monthly reports  
19 to the department of education as prescribed by the department. After the  
20 first year of operation under the contract, the contracting entity shall  
21 submit quarterly reports to the department as prescribed by the department.

22           ~~L.~~ M. At the end of the second year of a contract executed pursuant  
23 to this section, an independent evaluator selected by the superintendent of  
24 public instruction shall conduct and complete a performance review to  
25 determine if the contracting entity has met the goals specified in the  
26 contract. The independent evaluator shall submit a report of the independent  
27 evaluator's findings to the governor, the president of the senate and the  
28 speaker of the house of representatives on or before May 1, and shall provide  
29 a copy of this report to the secretary of state.

30           Sec. 4. Section 15-741, Arizona Revised Statutes, is amended to read:

31           15-741. Assessment of pupils

32           A. The state board of education shall:

33           1. Adopt rules for purposes of this article pursuant to title 41,  
34 chapter 6.

35           2. Adopt and implement an Arizona instrument to measure standards test  
36 to measure pupil achievement of the state board adopted academic standards in  
37 reading, writing and mathematics in at least four grades designated by the  
38 board. The board shall determine the manner of implementation. The board  
39 may administer assessments of the academic standards in social studies and  
40 science, except that a pupil shall not be required to meet or exceed the  
41 social studies or science standards measured by the Arizona instrument to  
42 measure standards test.

43           3. Ensure that the tests prescribed in this section are uniform  
44 throughout the state.

1           4. Ensure that the tests prescribed in this section are able to be  
2 scored in an objective manner and that the tests are not intended to advocate  
3 any sectarian, partisan or denominational viewpoint.

4           5. ENSURE THAT THE TESTS PRESCRIBED IN THIS ARTICLE COLLECT ONLY TYPES  
5 OF PUPIL NONTEST DATA THAT ARE APPROVED BY THE STATE BOARD OF EDUCATION AT A  
6 PUBLIC MEETING AND PUBLISHED ON THE WEBSITE OF THE STATE BOARD OF EDUCATION  
7 PURSUANT TO PARAGRAPH 7 OF THIS SUBSECTION.

8           ~~5-~~ 6. Include within its budget all costs pertaining to the tests  
9 prescribed in this article. If sufficient monies are appropriated, the state  
10 board may provide achievement test services to school districts that request  
11 assistance in testing pupils in grades additional to those required by this  
12 section.

13           ~~6-~~ 7. Survey teachers, principals and superintendents on achievement  
14 related nontest indicators, including information on graduation rates by  
15 ethnicity and dropout rates by ethnicity for each grade level. Before the  
16 survey, the state board of education shall approve at a public meeting the  
17 nontest indicators on which data will be collected AND SHALL POST IN A  
18 PROMINENT POSITION ON THE HOME PAGE OF THE STATE BOARD'S WEBSITE A LINK TO  
19 THE NONTEST INDICATORS ENTITLED "WHAT NONTEST DATA DOES THE STATE OF ARIZONA  
20 COLLECT ABOUT ARIZONA PUPILS?". THE LINKED WEB PAGE SHALL STATE THE TYPES OF  
21 DATA COLLECTED, THE REASONS FOR THE COLLECTION OF THE DATA AND THE ENTITIES  
22 WITH WHICH THE DATA IS SHARED. In conducting the survey and collecting data,  
23 the state board of education shall not violate the provisions of the family  
24 educational rights and privacy act (P.L. 93-380), as amended, nor disclose  
25 personally identifiable information.

26           ~~7-~~ 8. Establish a fair and consistent method and standard by which  
27 test scores from schools in a district may be evaluated taking into  
28 consideration demographic data. The board shall establish intervention  
29 strategies to assist schools with scores below the acceptable standard. The  
30 board shall annually review district and school scores and shall offer  
31 assistance to school districts in analyzing data and implementing  
32 intervention strategies. The board shall use the adopted test and methods of  
33 data evaluation for a period of at least ten years.

34           ~~8-~~ 9. Participate in other assessments that provide national  
35 comparisons as needed.

36           B. The achievement tests adopted by the state board as provided in  
37 subsection A of this section shall be given at least annually. Nontest  
38 indicator data and other information shall be collected at the same time as  
39 the collection of achievement test data.

40           C. Local school district governing boards shall:

41           1. Administer the tests prescribed in subsection A of this section.

42           2. Survey teachers, principals and superintendents on achievement  
43 related nontest indicator data as required by the state board, including  
44 information related to district graduation and dropout rates. In conducting  
45 the survey and collecting data, the governing board shall not violate the

1 provisions of the family educational rights and privacy act (P.L. 93-380), as  
2 amended, nor disclose personally identifiable information.

3 D. Any additional assessments for high school pupils that are adopted  
4 by the state board of education after November 24, 2009 shall be designed to  
5 measure college and career readiness of pupils.

6 E. A test for penmanship shall not be required pursuant to this  
7 article.